

AUGUST 22, 2006

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

The Regular Session was called to order at 7:00 P.M., by Mayor Pro Tem Miller with City Councilors Harriman, and Nesbitt present along with City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Finance Director Hanson, the City Council vacancy applicants, several interested citizens and the press. Mayor Ferguson was out of town on business.

AUGUST 22, 2006

PUBLIC HEARING

7:00 P.M.

Mayor Pro Tem Miller called the Public Hearing to order at 7:00 P.M., stated the date was Tuesday, August 22, 2006, at 7:00 PM in the City Council Chambers of City Hall, 201 W. Virginia Avenue in Gunnison. He further stated the purpose of the hearing is to receive public input on the new Hotel & Restaurant Liquor License application from Martin V. Rodriguez for Ensenada Baja Grill, 800 N. Main Street, in Gunnison. Present at the hearing is City Councilors Harriman, Miller, and Nesbitt, City Attorney Landwehr, City Manager Coleman, City Clerk Davidson, Community Development Director Westbay, and Finance Director Hanson. Mayor Pro Tem Miller asked the applicant to identify himself and Mr. Martin Rodriguez did so. Mayor Pro Tem Miller asked any interested parties wishing to testify to identify themselves. Other than the applicant, there were none. The City Clerk administered the testimony oath to Mr. Rodriguez.

City Attorney Landwehr and City Clerk Davidson reviewed the application. The application is in order. The Preliminary Investigation Report showed the Building Official and Fire Marshal had no concerns with the issuance of the license at this location and the local and CBI background checks had been conducted. No record was found on Mr. Rodriguez. The Clerk showed proof of publication and proof of posting of the premises. The City Clerk reminded the Council, as the Local Liquor Licensing Authority, they had the burden to determine the wants and needs of the neighborhood would be met by the issuance of this license. The neighborhood is defined as the Incorporated City Limits of Gunnison, Colorado.

Mayor Pro Tem Miller called for the Applicant's testimony. Mr. Martin Rodriguez informed Council he is a family man who wants a better life by opening a restaurant in Gunnison. He'd like to serve alcohol as an accompaniment to his food, and not operate a bar. His customers have told him personally and through the petitions he has with him their wants to have an alcoholic drink with their dinner. Mr. Rodriguez entered the petitions into the record to the City Clerk. Council thanked Mr. Rodriguez for his testimony.

Mayor Pro Tem Miller called for any further testimony in favor or in opposition to the application. There was no further testimony. Hearing no further testimony, Mayor Pro Tem Miller closed the Public Hearing at 7:07 P.M.

Consideration of Minutes:

Regular Session Minutes of August 8, 2006.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to approve the Regular Session Minutes of July 25, 2006, as submitted.

Roll call vote, yes: Harriman, Nesbitt. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Miller, was not in attendance at the meeting.

Pre-Scheduled Citizens:

Gunnison Chamber of Commerce Update – Executive Director Tammy

Scott. Ms. Scott reviewed the information enclosed in Council's packet. This is information that is printed and distributed through the visitor center each year. Ms. Scott reviewed the ACCRA quarterly report. This is cost of living information from around the country. Ms. Scott reviewed the following: report on Chamber happenings; projects of the various Chamber Councils; the Technology Workshop to be presented in November; the success of the Chamber website; the visitor services offered; the up-coming hunting season still seems to have positive numbers to date; the film commission aspect of the Chamber; and the upcoming September Splendor program. They had a very busy summer. Council thanked Ms. Scott.

Colorado Adventure Sports Festival Update – Director Bob Jones and Events Coordinator Sally Palmer. Mr. Jones reviewed for Council the history of the event from 2003 through the 2006 event. He passed out a budget of the 2006 event. The festival has grown over the years and is incorporating more events with each year. Mr. Jones stated the funding for the Outdoor Leadership Program was pulled in 2006 and therefore more WSC interns were used to host the Festival. In addition, the waves at the whitewater park have shifted resulting in lesser waves for the kayaking competitors. This may have resulted in the fewer number of entrants in 2006. Even with the lower number of entrants, the festival went fairly well. They basically broke even in 2006. They are already working on the 2007 festival. WSC Professor Mark Gibson has agreed to be the sponsor of the event. Ms. Palmer informed Council they will be setting up a Board of Directors to be guides for the student interns. Mayor Pro Tem Miller asked about the demographics of the 500 participants and spectators. Mr. Jones stated an intern gathered that information and he will get it to Council. Community Development Technician Ruggera has already mailed out the budget information to be included in the 2007 budget requests. Council thanked Mr. Jones and Ms. Palmer.

CO Senate Bill SB06-090 and City Requirements – Gunnison County Emergency Services Coordinator Scott Morrill. Mr. Morrill informed Council he received the information included in their packets from the Department of Local Affairs. In order for the City to continue to receive any State Department of Local Affairs Grant monies, the City must accept and sign a Certificate of Compliance with the provisions of Colorado Senate Bill 06-090 Concerning local government cooperation with Federal Officials regarding the immigration status of persons in the State of Colorado and instruct, in writing, the local law enforcement agency to comply with the Act. The City may not have any ordinances, policies or procedures in place that are contradictory with the Act.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to authorize the Mayor to sign a Certificate of Compliance with Senate Bill 06-090 and to sign a letter to Police Chief Anderson requiring the Gunnison Police Department to comply with said Act.

Roll call vote, yes: Miller, Nesbitt, Harriman. So carried.

Roll call vote, no: None.

Unfinished Business:

Letter of Support for Gunnison County GOCO Grant Application for Rodeo Grounds Grandstand Replacement and Waiver of Building Inspection Fees. County Rodeo Grounds Manager Melody Roper came forward and answered Council's questions. Ms. Roper stated she will be resubmitting her GOCO grant application at the end of the week. She is requesting another letter of support and the waiver of the building inspection fees for the project.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to approve the Letter of Support for the Rodeo Grounds Grandstand Replacement, authorize the Mayor to sign said letter and to approve the waiver of the building inspection fees for the project.

Roll call vote, yes: Miller, Nesbitt, Harriman. So carried.

Roll call vote, no: None.

New Business:

Appointment to Fill City Council Vacancy. The three applicants, Jim Gelwicks, Jonathan Houck and Marla Larson, were interviewed at last week's Work Session. Mayor Pro Tem Miller thanked the three applicants, who were present, for their willingness to serve on City Council. City Clerk Davidson passed out written ballots to Council. Council voted and the City Clerk read the results. Two votes were cast for Jonathan Houck and one vote was cast for Jim Gelwicks. All of Council thanked the applicants.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to appoint Jonathan Houck to fill the vacant City Council term, with that term expiring on May 14, 2007.

Roll call vote, yes: Nesbitt, Harriman, Miller. So carried.

Roll call vote, no: No.

City Clerk Davidson administered the Oath of Office to Mr. Houck, who then took his place at the Council bench.

Action on New Hotel & Restaurant Liquor License Application from Martin V. Rodriguez for Ensenada Baja Grill, 800 N. Main Street, in Gunnison. The Public Hearing on this application was held earlier in the meeting. Mayor Pro Tem Miller asked the applicant if he had anything further to state. Mr. Rodriguez did not.

Councilor Harriman moved and Councilor Nesbitt seconded the motion, with Mayor Pro Tem reading the entire motion into the record, that the Hotel & Restaurant Liquor License for Ensenada Baja Grill, Martin V. Rodriguez – owner, 800 N. Main Street., Gunnison, Colorado, 81230, be approved for the following reasons and with the following condition:

1. There has not been a denial of an application at the same location, or a location within 500 feet thereof, by either the state or local licensing authority within the two years preceding the date of the application on the grounds that the reasonable requirements of the neighborhood were satisfied by existing outlets.

2. It appears from the evidence submitted with the application that the applicant is entitled to possession of the premises where the license is proposed to be exercised.

3. Selling liquor by the drink in the manner proposed in the application is not in violation of the zoning, fire, and other applicable codes of the City of Gunnison or the laws of the State of Colorado.

4. The building where the application proposes to sell liquor - malt, vinous, and spirituous by the drink, does not appear to be within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary.

5. Within the City limits of the City of Gunnison, where liquor is proposed to be sold, there are the following existing other outlets:

4 - Beer and Wine Licenses

7 - Hotel/Restaurant Licenses

5 - Retail Liquor Store Licenses

1 - Arts License

1 - Brew Pub License

8 - Tavern Licenses

2 - Club Type Licenses

6 - 3.2% Beer Type License

6. Based on the petitions of adult inhabitants of the City of Gunnison, the license applied for will meet the desires of the adult inhabitants of the City of Gunnison.

7. All fees necessary for the application have been paid.

8. According to the information received by the Police Department of the City of Gunnison, Colorado, and through testimony of the applicant before the Local Licensing Authority, the applicant appears to be of good moral character and possesses the qualifications necessary to conduct the type of business proposed.

9. The Hotel & Restaurant Liquor License will be issued by the local licensing authority upon receipt of the approved liquor license from the State of Colorado for the licensed premises at 800 N. Main Street, Gunnison, CO.

Roll call vote, yes: Harriman, Miller, Nesbitt. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Houck.

Action on Request from Habitat for Humanity for the City to Pay Tap Fees and Authorize Mayor to Sign Memorandum Agreement. This item was discussed at last week's Work Session. Per her packet memo, Finance Director Hanson suggested that Council utilize \$7,500 from the Economic Development line item under Grants and Contributions and budget the remaining \$7,500 in the 2007 budget. In addition, Community Development Director Westbay stated that the waiver of building inspection fees, as discussed at last week's Work Session, would amount to approximately \$1,820 if Council wanted to waive those fees.

Councilor Harriman moved and Councilor Nesbitt seconded the motion to approve the Memorandum of Agreement with Habitat for Humanity for the City to pay \$7,500 in tap fees in 2006, and \$7,500 in tap fees in 2007, to waive the building inspection fees and to authorize the Mayor to sign said revised Memorandum of Agreement.

Roll call vote, yes: Miller, Nesbitt, Houck, Harriman. So carried.

Roll call vote, no: None.

Referral of Tomichi Creek Corridor Petition for Annexation and Discussion on the Annexation Process. Community Development Director Westbay stated the Tomichi Creek Corridor Petition for Annexation is being referred to City Council in this process. City Attorney Landwehr then reviewed the annexation process, as outlined in State Statutes, The Municipal Annexation Act of 1965. Attorney Landwehr reviewed the initiated filing of the petition with the City, and the requirements of Section 107, that outlines how the petition will be found by Resolution, to be or not be found in substantial compliance with the provision of that Section. A hearing date is then set for no less than 30 days nor more than 60 days after the effective date of the resolution finding compliance. An Annexation Impact Report is required to be prepared. Attorney Landwehr and Director Westbay highlighted some of the information that is required to be included in the Impact Report. Other requirements of the Annexation Act were reviewed. Zoning of the property to be annexed must be accomplished within 90 days of the effective date of the annexation. The Annexation is accomplished by City of Gunnison Ordinance, with the required readings and publication. At this point, the initial decision will be to consider the petition for substantial compliance with the requirements of the Annexation Act. This starts the clock for the completion of the Annexation Impact Report. Tim Seibert, representing NES Consultants, who are working with the Gunnison Valley Partners, concurred with City Attorney Landwehr and stated they wanted to move ahead. Council thanked Attorney Landwehr for this overview.

Ordinance and Resolutions:

Ordinance No. 10, Series 2006; Re: Authorizing Issuance and Sale of City of Gunnison Revenue Bonds for Construction of WSC Borick Business Building, 2nd Reading.

Councilor Harriman introduced Ordinance No. 10, Series 2006, and it was read by title only by the City Attorney.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Ordinance No. 10, Series 2006, **AN ORDINANCE OF THE CITY OF GUNNISON, COLORADO AUTHORIZING THE ISSUANCE AND SALE OF ITS CITY OF GUNNISON, COLORADO REVENUE BOND (WESTERN STATE COLLEGE FOUNDATION PROJECT) SERIES 2006 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$6,000,000; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A FINANCING AGREEMENT, CLOSING DOCUMENTS AND SUCH BOND IN CONNECTION THEREWITH; APPROVING THE FORM OF CERTAIN ANCILLARY DOCUMENTS; AND REPEALING ANY ACTION HERETOFORE TAKEN IN CONFLICT HERewith**, be introduced, read, passed and adopted on second reading this 22nd day of August, 2006.

Roll call vote, yes: Nesbitt, Harriman, Miller. Motion carried.

Roll call vote, no: None.

Roll call vote, abstain: Houck.

Resolution No. 7, Series 2006; Re: Adopt and Implement a Program to Comply with the Colorado Low-Income Energy Assistance Act.

Councilor Harriman introduced Resolution No. 7, Series 2006, and it was read by title only by the City Attorney.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Resolution No. 7, Series 2006, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON TO ADOPT AND IMPLEMENT A PROGRAM TO COMPLY WITH THE COLORADOLOW-INCOME ENERGY ASSISTANCE ACT**, be introduced, read, passed and adopted this 22nd day of August, 2006.

Roll call vote, yes: Houck, Harriman, Miller, Nesbitt. So carried.

Roll call vote, no: None.

City Attorney: Rod Landwehr. Nothing further to report.

City Manager: Ken Coleman. Reported on the following: the budget process has started with the departments creating their budget worksheets; the budget work session with Council will be on September 19; there will be a household hazardous waste program on October 7th at the City Shops with the County and City being co-sponsors; and Time-Warner is our new cable television provider. City Manager Coleman asked Council if they wanted a Resolution opposing Amendment 38 drafted. Council asked Staff to draft a resolution. City Manager Coleman also invited new Councilor Houck to meet with Staff members and gather information.

Acting City Manager: Community Development Director Steve Westbay. Director Westbay gave Council his semi-annual report. He discussed the following topics: City Master Plan update; and the clean up of the South Boulevard house. Director Westbay informed Council on the progress of the West Gunnison Neighborhood Plan. A stakeholders committee has been formed and they will discuss transportation, housing and commercial needs. There will be an outreach meeting on September 18, at the Aspinall-Wilson Center. A neighborhood analysis study will be developed with alternate plan proposals. There will then be a refinement of the alternatives and finally developed strategies will be implemented. This may include land use modifications and infrastructure placement. Mayor Pro Tem asked about the timeline for the Neighborhood Plan and Director Westbay stated they are targeting March, 2007, prior to building season.

City Clerk: Gail Davidson. City Clerk Davidson asked Council if they would like binders prepared to keep organized their upcoming annexation documentation. They stated yes. City Clerk Davidson reminded Council Mayor Ferguson had contacted her about his absence this evening.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to excuse Mayor Ferguson from this evening's Regular Session meeting due to a work commitment.

Roll call vote, yes: Harriman, Miller, Nesbitt, Houck. So carried.

Roll call vote, no: None.

General Discussion/Items for Work Session:

Councilor Harriman: Reported the Planning & Zoning Commission met and held the Public Hearing on the Courthouse Rezoning. She also attended the Gunnison Housing Authority Board meeting and expenditures of linkage fees was discussed.

Non-Scheduled Citizens: City resident Butch Clark addressed Council and discussed the following: suggested the City talk with Greg Traine of Grand Junction for information about household hazardous waste programs they have conducted; suggested the City issue RFPs for bonding issues in the future. City Attorney Landwehr stated the City's purchasing policy requires the City to solicit RFPs; and Mr. Clark wants the City to conduct public charettes for planning of the new annexation area. He also suggested the City use comments and information that was presented for the 2000 Tomichi Creek Annexation process in the new annexation procedures and suggested the annexation process take longer than the proposed 8 months to one year process. He stated that is too fast and the City needs approximately 24 months to complete the process. Lastly, Mr. Clark stated the City needs to keep this annexation process funding in the capital budget planning. Mayor Pro Tem Miller thanked Mr. Clark for his suggestions.

Adjournment: At 8:42 P.M.

Mayor

City Clerk